

**SILVERANG, ROSENZWEIG
& HALTZMAN, LLC**

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Attorneys for Creditors Philly Properties GP, LLC and Drexel Hill Properties GP, LLC

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In the Matter of:	:	
Choates G. Contracting, LLC	:	CASE NO. 21-13085-ABA
<i>Debtor .</i>	:	

**CERTIFICATION OF DEFAULT SUBMITTED ON BEHALF OF
CREDITORS PHILLY PROPERTIES GP, LLC AND DREXEL HILL PROPERTIES GP, LLC**

I, William C. Katz, hereby certify:

1. I am counsel of record for creditors Philly Properties GP, LLC and Drexel Properties GP, LLC in the above matter.
2. A petition under Chapter 11 of the Bankruptcy Code was filed by the debtor on April 15, 2021.
3. Debtor's Non-Consensual Plan was confirmed by Order entered on December 22, 2021 (Doc 118).
4. On February 21, 2023, Debtor filed a Motion to Modify Confirmed Chapter 11 Plan.
5. An Order (the "Order") confirming the Chapter 11, Sub-Chapter V Debtor's First Post-Confirmation Modified Plan of Reorganization (the "Modified Plan")(Doc 240) was entered on June 8, 2023.

6. Section 2.5.3 of the Modified Plan calls for the sale of specified parcels of real property within twelve (12) months of confirmation, pursuant to a specified procedure that states as follows:

Within thirty (30) days of confirmation of the Modified Plan, Philly Properties GP, LLC and Drexel Properties GP, LLC may recommend the real estate broker(s) to be used in connection with the sales of the above-referenced properties. The Debtor shall engage the recommended real estate broker(s), and authorize the real estate broker to discuss the status of listings and offers with the Sub-V Trustee, Philly Properties GP, LLC, and Drexel Properties GP, LLC. The Debtor shall promptly and seek approval of their employment with this Court provided that i.) the real estate brokers are "disinterested" as to the Debtor; and ii.) the commission does not exceed the customary 6% real estate commission.

7. Within thirty (30) days of confirmation of the Modified Plan, on June 27, 2023, Philly Properties GP, LLC and Drexel Properties GP, LLC, via undersigned counsel, contacted counsel for the Debtor via email to recommend Anne Koons, a highly regarding realtor to list the subject properties, and requested that counsel for the Debtors contact Ms. Koons to formalize the engagement.

8. When Ms. Koons advised that she had not heard from counsel for the Debtor, the undersigned followed up by email in an effort to advance the engagement on June 30, 2023, July 19, 2023 and July 24, 2023.

9. Despite the unambiguous terms of the Modified Plan requiring Debtor to engage Philly Properties GP, LLC and Drexel Properties GP, LLC recommended real estate broker, Debtor has failed and refused to do so despite being afforded multiple opportunities to comply.

10. Section 2.6 of the Modified Plan provides, in part, that Debtor's failure to comply with Section 2.3.5 of the Modified Plan is a Default thereunder.

11. Section 2.6 of the Modified Plan also provides, in part, that upon an event of Default, ". . .any creditor may file a certification of default with respect to the Plan with the Court."

12. Based upon the provisions of the Plan, “the Debtor shall have an opportunity to respond and either cure the default prior to the date of a hearing on such certification of default, or have an opportunity to cure if so permitted by the Court at the hearing on the certification of default.”

Par. 2.6 of Plan.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

/s/ William C. Katz

William C. Katz, Esquire

Attorney ID Nos. 007502007

Attorneys for Creditor(s):

Drexel Properties GP, LLC and

Philly Properties GP, LLC